



Journal of the House

State of Indiana

115th General Assembly

First Regular Session

Thirty-sixth Meeting Day

Tuesday Afternoon

March 27, 2007

The House convened at 1:00 p.m. with Speaker B. Patrick Bauer in the Chair.

The Speaker read a prayer for health and well-being (printed January 11, 2007).

The Pledge of Allegiance to the Flag was led by Representative W. Vern TIncher.

The Speaker ordered the roll of the House to be called:

Austin	Klinker
Avery	Knollman
Bardon	Koch
Battles	Kuzman
Behning <input type="checkbox"/>	L. Lawson
Bell	Lehe
Bischoff	Leonard
Borders	Lutz
Borror	Mays
Bosma	McClain
C. Brown	Micon
T. Brown	Moses
Buck	Murphy
Buell	Neese
Burton	Niezgodski
Candelaria Reardon	Noe
Cheatham	Orentlicher
Cheney	Oxley
Cherry	Pelath
Cochran	Pflum
Crawford	Pierce
Crooks	Pond
Crouch	Porter
Davis	Reske
Day	Richardson
Dembowski	Ripley
Denbo	Robertson
Dermody	Ruppel
Dickinson	Saunders
Dobis	M. Smith
Dodge	V. Smith
Duncan	Soliday
Dvorak	Stemler
Eberhart	Stevenson
Elrod	Stilwell
Espich	Stutzman
Foley	Summers
Friend	Thomas
Frizzell	Thompson
Fry	Tincher
GiaQuinta	Torr
Goodin	Turner
Grubb	Tyler
Gutwein	Ulmer
E. Harris	VanHaften
T. Harris	Walorski
Herrell	Welch
Hinkle	Whetstone
Hoy	Wolkins
Kersey	Mr. Speaker

Roll Call 399: 99 present; 1 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Thursday, March 29, 2007, at 1:30 p.m.

AVERY

Motion prevailed.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed, without amendments, Engrossed House Bills 1051, 1358, 1424, 1434, 1555, and 1762 and the same are herewith returned to the House.

MARY C. MENDEL

Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bills 1306, 1387, 1457, 1595, and 1731 with amendments and the same are herewith returned to the House for concurrence.

MARY C. MENDEL

Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 45, 46, 47, and 48 and the same are herewith returned to the House.

MARY C. MENDEL

Principal Secretary of the Senate

ENROLLED ACTS SIGNED

The Speaker announced that he had signed House Enrolled Acts 1145, 1242, 1281, 1300, 1357, and 1509 and Senate Enrolled Acts 96, 108, 150, 163, 166, and 185 on March 26.

ENGROSSED SENATE BILLS ON SECOND READING

Engrossed Senate Bill 157

Representative Austin called down Engrossed Senate Bill 157 for second reading. The bill was read a second time by title.

HOUSE MOTION

(Amendment 157-1)

Mr. Speaker: I move that Engrossed Senate Bill 157 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-23-7.1-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. (a) The board, with the advice of the advisory council, shall establish operating standards and rules for libraries ~~and library services~~

authorities eligible to receive funds, either federal or state, under the provisions of any program for which the Indiana state library is the administrator. The Indiana state library shall monitor libraries and library services authorities eligible to receive funds or receiving funds to ascertain whether or not the standards and rules are being met.

(b) The board, with the advice of the council on library automation established under IC 4-23-7-30, shall establish library automation standards for libraries. ~~and library service authorities.~~ The Indiana state library shall monitor compliance with the standards.

SECTION 2. IC 4-23-7.1-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 22. (a) The Indiana state library annually shall collect data from all libraries ~~and library services authorities~~ in Indiana.

(b) Each public officer who:

- (1) has in ~~his~~ **the officer's** charge or custody;
- (2) is capable of supplying; or
- (3) is required to collect and compile;

information required by the library and historical department or by the state library shall supply the information promptly at the request of the department or the state library."

Page 3, after line 37, begin a new paragraph and insert:

"SECTION 6. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2007]: IC 4-23-7.1-30; IC 4-23-7.1-31."

Renumber all SECTIONS consecutively.

(Reference is to ESB 157 as printed March 21, 2007.)

AUSTIN

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 311

Representative Welch called down Engrossed Senate Bill 311 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 311-1)

Mr. Speaker: I move that Engrossed Senate Bill 311 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-2-9-2.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2.1. (a) As used in this chapter, "protective order" means:

- (1) a protective order issued under IC 34-26-5 (or, if the order involved a family or household member, IC 34-26-2-12(1)(A), IC 34-26-2-12(1)(B), IC 34-26-2-12(1)(C), IC 34-4-5.1-5(a)(1)(A), IC 34-4-5.1-5(a)(1)(B), or IC 34-4-5.1-5(a)(1)(C) before their repeal);
- (2) an ex parte protective order issued under IC 34-26-5 (or, if the order involved a family or household member, an emergency protective order issued under IC 34-26-2-6(1), IC 34-26-2-6(2), or IC 34-26-2-6(3) or IC 34-4-5.1-2.3(a)(1)(A), IC 34-4-5.1-2.3(a)(1)(B), or IC 34-4-5.1-2.3(a)(1)(C) before their repeal);
- (3) a protective order issued under IC 31-15-4-1 (or IC 31-1-11.5-7(b)(2), IC 31-1-11.5-7(b)(3), IC 31-16-4-2(a)(2), or IC 31-16-4-2(a)(3) before their repeal);
- (4) a dispositional decree containing a no contact order issued under IC 31-34-20-1, IC 31-37-19-1, or IC 31-37-19-6 (or IC 31-6-4-15.4 or IC 31-6-4-15.9 before their repeal) or an order containing a no contact order issued under IC 31-32-13 (or IC 31-6-7-14 before its repeal);
- (5) a no contact order issued as a condition of pretrial release, including release on bail or personal recognizance, or pretrial diversion;
- (6) a no contact order issued as a condition of probation;

(7) a protective order issued under IC 31-15-5-1 (or IC 31-1-11.5-8.2 or IC 31-16-5 before their repeal);

(8) a protective order issued under IC 31-14-16-1 in a paternity action;

(9) a no contact order issued under IC 31-34-25 in a child in need of services proceeding or under IC 31-37-25 in a juvenile delinquency proceeding; ~~or~~

(10) a workplace violence restraining order issued under IC 34-26-6; ~~or~~

(11) a child protective order issued under IC 31-34-2.3.

(b) Whenever a protective order, no contact order, ~~or~~ workplace violence restraining order, **or child protective order** is issued by an Indiana court, the Indiana court must caption the order in a manner that indicates the type of order issued and the section of the Indiana Code that authorizes the protective order, no contact order, or workplace violence restraining order. The Indiana court shall also place on the order the court's hours of operation and telephone number with area code.

SECTION 2. IC 5-2-9-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. A depository is established in the office of each sheriff and law enforcement agency in Indiana for the purpose of collecting, maintaining, and retaining the following:

- (1) Protective orders.
- (2) No contact orders.
- (3) Workplace violence restraining orders.

(4) Child protective orders.

SECTION 3. IC 5-2-9-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) The clerk of a court that issues a protective order, no contact order, ~~or~~ workplace violence restraining order, **or child protective order** shall provide a copy of the order to the following:

- (1) Each party.
- (2) A law enforcement agency of the municipality in which the protected person resides. If a person and an employer are:

- (A) both protected by an order under this section; and
- (B) domiciled in different municipalities;

the clerk shall send a copy of the order to the law enforcement agency of the municipality in which the person resides and the employer is located.

(3) If the protected person, including an employer, is not domiciled in a municipality, the sheriff of the county in which the protected person resides.

(b) The clerk of a court that issues a protective order, no contact order, ~~or~~ workplace violence restraining order, **or child protective order** or the clerk of a court in which a petition is filed shall:

(1) maintain a confidential file to secure any confidential information about a protected person designated on a uniform statewide form prescribed by the division of state court administration;

(2) provide a copy of the confidential form that accompanies the protective order, no contact order, ~~or~~ workplace violence restraining order, **or child protective order** to the following:

(A) The sheriff of the county in which the protective order, no contact order, ~~or~~ workplace violence restraining order, **or child protective order** was issued.

(B) The law enforcement agency of the municipality, if any, in which the protected person, including an employer, is domiciled.

(C) Any other sheriff or law enforcement agency designated in the protective order, no contact order, ~~or~~ workplace violence restraining order, **or child protective order** that has jurisdiction over the area in which a protected person, including an employer, may be located or protected; and

(3) after receiving the return of service information,

transmit all return of service information to each sheriff and law enforcement agency required under subdivision (2).

(c) A sheriff or law enforcement agency that receives a protective order, no contact order, ~~or~~ workplace violence restraining order, **or child protective order** under subsection (a) and a confidential form under subsection (b) shall:

(1) maintain a copy of the protective order, no contact order, ~~or~~ workplace violence restraining order, **or child protective order** in the depository established under this chapter;

(2) enter:

(A) the date and time the sheriff or law enforcement agency receives the protective order, no contact order, ~~or~~ workplace violence restraining order, **or child protective order**;

(B) the location of the person who is subject to the protective order, no contact order, ~~or~~ workplace violence restraining order, **or child protective order**, if reasonably ascertainable from the information received;

(C) the name and identification number of the officer who serves the protective order, no contact order, ~~or~~ workplace violence restraining order, **or child protective order**;

(D) the manner in which the protective order, no contact order, ~~or~~ workplace violence restraining order, **or child protective order** is served;

(E) the name of the petitioner and any other protected parties;

(F) the name, Social Security number, date of birth, and physical description of the person who is the subject of the protective order, no contact order, ~~or~~ workplace violence restraining order, **or child protective order**, if reasonably ascertainable from the information received;

(G) the date the protective order, no contact order, ~~or~~ workplace violence restraining order, **or child protective order** expires;

(H) a caution indicator stating whether a person who is the subject of the protective order, no contact order, ~~or~~ workplace violence restraining order, **or child protective order** is believed to be armed and dangerous, if reasonably ascertainable from the information received; and

(I) if furnished, a Brady record indicator stating whether a person who is the subject of the protective order, no contact order, ~~or~~ workplace violence restraining order, **or child protective order** is prohibited from purchasing or possessing a firearm or ammunition under federal law, if reasonably ascertainable from the information received;

on the copy of the protective order, no contact order, ~~or~~ workplace violence restraining order, **or child protective order** or the confidential form; and

(3) establish a confidential file in which a confidential form that contains information concerning a protected person is kept.

(d) A protective order, no contact order, ~~or~~ workplace violence restraining order, **or child protective order** may be removed from the depository established under this chapter only if the sheriff or law enforcement agency that administers the depository receives:

(1) a notice of termination on a form prescribed or approved by the division of state court administration;

(2) an order of the court; or

(3) a notice of termination and an order of the court.

(e) If a protective order, no contact order, ~~or~~ workplace violence restraining order, **or child protective order** in a depository established under this chapter is terminated, the person who obtained the order must file a notice of termination on a form prescribed or approved by the division of state court

administration with the clerk of the court. The clerk of the court shall provide a copy of the notice of termination of a protective order, no contact order, ~~or~~ workplace violence restraining order, **or child protective order** to each of the depositories to which the protective order, no contact order, ~~or~~ workplace violence restraining order, **or child protective order** and a confidential form were sent. The clerk of the court shall maintain the notice of termination in the court's file.

(f) If a protective order, no contact order, ~~or~~ workplace violence restraining order, **or child protective order** or form in a depository established under this chapter is extended or modified, the person who obtained the extension or modification must file a notice of extension or modification on a form prescribed or approved by the division of state court administration with the clerk of the court. The clerk of the court shall provide a copy of the notice of extension or modification of a protective order, no contact order, ~~or~~ workplace violence restraining order, **or child protective order** to each of the depositories to which the order and a confidential form were sent. The clerk of the court shall maintain the notice of extension or modification of a protective order, no contact order, ~~or~~ workplace violence restraining order, **or child protective order** in the court's file.

(g) The clerk of a court that issued an order terminating a protective order, no contact order, ~~or~~ workplace violence restraining order, **or child protective order** that is an ex parte order shall provide a copy of the order to the following:

(1) Each party.

(2) The law enforcement agency provided with a copy of a protective order, no contact order, ~~or~~ workplace violence restraining order, **or child protective order** under subsection (a)

SECTION 4. IC 5-2-9-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) Any information:

(1) in a uniform statewide confidential form or any part of a confidential form prescribed by the division of state court administration that must be filed with a protective order, no contact order, ~~or~~ workplace violence restraining order, **or child protective order**; or

(2) otherwise acquired concerning a protected person; is confidential and may not be divulged to any respondent or defendant.

(b) Information described in subsection (a) may only be used by:

(1) a court;

(2) a sheriff;

(3) another law enforcement agency;

(4) a prosecuting attorney; or

(5) a court clerk;

to comply with a law concerning the distribution of the information.

SECTION 5. IC 5-2-9-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. A law enforcement agency that receives a copy of a protective order, no contact order, ~~or~~ workplace violence restraining order, **or child protective order** shall enter the information received into the Indiana data and communication system (IDACS) computer under IC 10-13-3-35 upon receiving a copy of the order."

Page 2, line 15, after "2.3" insert "**Child Protective Orders for**".

Page 2, line 18, after "(1)" insert "**there is probable cause to believe that**".

Page 2, line 24, delete "(a)".

Page 2, line 24, delete "restraining" and insert "**child protective**".

Page 2, line 26, after "chapter" insert "**without a hearing**".

Page 2, line 37, delete "restraining" and insert "**child protective**".

Page 2, delete lines 39 through 42.

Page 3, delete lines 1 through 10.

Page 3, line 11, delete "restraining" and insert "**child protective**".

Page 3, delete lines 16 through 18, begin a new paragraph and insert:

"Sec. 4. (a) A juvenile court shall hold a hearing on the temporary child protective order issued under this chapter not more than forty-eight (48) hours (excluding Saturdays, Sundays, and any day on which a legal holiday is observed for state employees as provided in IC 1-1-9) after the temporary child protective order is issued.

(b) The department shall provide notice of the time, place, and purpose of the hearing to the following:

(1) The child.

(2) The child's parent, guardian, or custodian if the person can be located.

(3) Any adult with whom the child is residing.

(4) The alleged perpetrator of child abuse or neglect.

Sec. 5. (a) After notice and a hearing, the court may issue a child protective order if the department's petition to remove the alleged perpetrator states facts sufficient to satisfy the court that:

(1) the child is not in danger of child abuse or neglect from a parent or other adult with whom the child will continue to reside in the child's residence; and

(2) one (1) or more of the following exist:

(A) The presence of the alleged perpetrator of child abuse or neglect in the child's residence constitutes a continuing danger to the physical health or safety of the child.

(B) The child has been the victim of sexual abuse, and there is a substantial risk that the child will be the victim of sexual abuse in the future if the alleged perpetrator of child abuse or neglect remains in the child's residence.

(b) If the court issues a child protective order under this section, the court may grant other relief as provided under IC 34-26-5-9.

(c) A child protective order issued under this section is valid until one (1) of the following occurs:

(1) The court determines the child is not a child in need of services.

(2) The child is adjudicated a child in need of services and the court enters a dispositional decree."

Page 3, line 19, delete "5." and insert "6."

Page 3, line 19, delete "restraining" and insert "**child protective**".

Page 3, line 29, delete "6." and insert "7."

Page 3, line 30, delete "temporary restraining" and insert "**child protective**".

Page 3, line 30, after "order" insert "**issued under section 2 or 5 of this chapter**".

Page 3, line 34, delete "7." and insert "8."

Page 3, line 35, delete "an" and insert "**a child protective**".

Page 3, line 36, after "under" insert "**section 2 or 5 of**".

Page 5, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 10. IC 31-34-20-1, AS AMENDED BY P.L.146-2006, SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. Subject to section 1.5 of this chapter, if a child is a child in need of services, the juvenile court may enter one (1) or more of the following dispositional decrees:

(1) Order supervision of the child by the probation department or the county office or the department.

(2) Order the child to receive outpatient treatment:

(A) at a social service agency or a psychological, a psychiatric, a medical, or an educational facility; or

(B) from an individual practitioner.

(3) Remove the child from the child's home and place the child in another home or shelter care facility. Placement under this subdivision includes authorization to control and discipline the child.

(4) Award wardship to a person or shelter care facility.

(5) Partially or completely emancipate the child under section 6 of this chapter.

(6) Order:

(A) the child; or

(B) the child's parent, guardian, or custodian; to receive family services.

(7) Order a person who is a party to refrain from direct or indirect contact with the child.

(8) Order a perpetrator of child abuse or neglect to refrain from returning to the child's residence.

SECTION 11. IC 34-26-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) The division of state court administration shall:

(1) develop and adopt:

(A) a petition for an order for protection;

(B) an order for protection, including:

(i) orders issued under this chapter;

(ii) ex parte orders;

(iii) no contact orders under IC 31 and IC 35; ~~and~~

(iv) forms relating to workplace violence restraining orders under IC 34-26-6; **and**

(v) forms relating to a child protective order under IC 31-34-2.3;

(C) a confidential form;

(D) a notice of modification or extension for an order for protection, a no contact order, ~~or~~ a workplace violence restraining order, **or a child protective order;**

(E) a notice of termination for an order for protection, a no contact order, ~~or~~ a workplace violence restraining order, **or a child protective order;** and

(F) any other uniform statewide forms necessary to maintain an accurate registry of orders; and

(2) provide the forms under subdivision (1) to the clerk of each court authorized to issue the orders.

(b) In addition to any other required information, a petition for an order for protection must contain a statement listing each civil or criminal action involving:

(1) either party; or

(2) a child of either party.

(c) The following statements must be printed in boldface type or in capital letters on an order for protection, a no contact order, ~~or~~ a workplace violence restraining order, **or a child protective order:**

VIOLATION OF THIS ORDER IS PUNISHABLE BY CONFINEMENT IN JAIL, PRISON, AND/OR A FINE. IF SO ORDERED BY THE COURT, THE RESPONDENT IS FORBIDDEN TO ENTER OR STAY AT THE PETITIONER'S RESIDENCE OR RESIDENCE OF ANY CHILD WHO IS THE SUBJECT OF THE ORDER, EVEN IF INVITED TO DO SO BY THE PETITIONER OR ANY OTHER PERSON. IN NO EVENT IS THE ORDER FOR PROTECTION VOIDED. PURSUANT TO 18 U.S.C. 2265, THIS ORDER FOR PROTECTION SHALL BE GIVEN FULL FAITH AND CREDIT IN ANY OTHER STATE OR TRIBAL LAND AND SHALL BE ENFORCED AS IF IT WERE AN ORDER ISSUED IN THAT STATE OR TRIBAL LAND. PURSUANT TO 18 U.S.C. 922(g), ONCE A RESPONDENT HAS RECEIVED NOTICE OF THIS ORDER AND AN OPPORTUNITY TO BE HEARD, IT IS A FEDERAL VIOLATION TO PURCHASE, RECEIVE, OR POSSESS A FIREARM WHILE SUBJECT TO THIS ORDER IF THE PROTECTED

PERSON IS:

- (A) THE RESPONDENT'S CURRENT OR FORMER SPOUSE;
- (B) A CURRENT OR FORMER PERSON WITH WHOM THE RESPONDENT RESIDED WHILE IN AN INTIMATE RELATIONSHIP; OR
- (C) A PERSON WITH WHOM THE RESPONDENT HAS A CHILD.

INTERSTATE VIOLATION OF THIS ORDER MAY SUBJECT THE RESPONDENT TO FEDERAL CRIMINAL PENALTIES UNDER 18 U.S.C. 2261 AND 18 U.S.C. 2262.

(d) The clerk of the circuit court, or a person or entity designated by the clerk of the circuit court, shall provide to a person requesting an order for protection:

- (1) the forms adopted under subsection (a);
- (2) all other forms required to petition for an order for protection, including forms:
 - (A) necessary for service; and
 - (B) required under IC 31-17-3; and
- (3) clerical assistance in reading or completing the forms and filing the petition.

Clerical assistance provided by the clerk or court personnel under this section does not constitute the practice of law. The clerk of the circuit court may enter into a contract with a person or another entity to provide this assistance. A person, other than a person or other entity with whom the clerk has entered into a contract to provide assistance, who in good faith performs the duties the person is required to perform under this subsection is not liable for civil damages that might otherwise be imposed on the person as a result of the performance of those duties unless the person commits an act or omission that amounts to gross negligence or willful and wanton misconduct.

(e) A petition for an order for protection must be:

- (1) verified or under oath under Trial Rule 11; and
- (2) issued on the forms adopted under subsection (a).

(f) If an order for protection is issued under this chapter, the clerk shall comply with IC 5-2-9.

SECTION 12. IC 34-26-5-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 18. The following orders are required to be entered into the Indiana data and communication system (IDACS) by a county sheriff or local law enforcement agency:

- (1) A no contact order issued under IC 31-32-13 in a juvenile case.
- (2) A no contact order issued under IC 31-34-20 in a child in need of services (CHINS) case.
- (3) A no contact order issued under IC 31-34-25 in a CHINS case.
- (4) A no contact order issued under IC 31-37-19 in a delinquency case.
- (5) A no contact order issued under IC 31-37-25 in a delinquency case.
- (6) A no contact order issued under IC 33-39-1-8 in a criminal case.
- (7) An order for protection issued under this chapter.
- (8) A workplace violence restraining order issued under IC 34-26-6.
- (9) A no contact order issued under IC 35-33-8-3.2 in a criminal case.
- (10) A no contact order issued under IC 35-38-2-2.3 in a criminal case.
- (11) A child protective order issued under IC 31-34-2.3."

Renumber all SECTIONS consecutively.

(Reference is to ESB 311 as printed March 23, 2007.)

ORENTLICHER

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 435

Representative L. Lawson called down Engrossed Senate Bill 435 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 435-2)

Mr. Speaker: I move that Engrossed Senate Bill 435 be amended to read as follows:

Page 2, between lines 10 and 11, begin a new line blocked left and insert:

"A property tax rate imposed by a county under this subsection is subject to the county's levy limitations imposed under IC 6-1.1-18.5-3."

Page 2, delete lines 21 through 42, begin a new paragraph and insert:

"(c) Subject to subsections (d), (e), and (f), if an ordinance or resolution is adopted changing the territory covered by the district or the number of public agencies served by the district, the local government tax control board shall, for property taxes first due and payable during the year after the adoption of the ordinance, adjust the maximum permissible ad valorem property tax levy limits of the district and the units any cities, towns, or townships participating in the district.

(d) If a unit city, town, or township by ordinance or resolution joins the district, or elects to have its public safety agencies served by the district, the local government tax control board shall reduce the maximum permissible ad valorem property tax levy of the joining unit for property taxes first due and payable during the year after the adoption of the ordinance or resolution. The reduction shall be based on the amount budgeted by the joining unit for public safety communication services in the year in which the ordinance or resolution was adopted. If such an ordinance or resolution is adopted, the district shall refer its proposed budget, ad valorem property tax levy, and property tax rate for the following year to the board, which shall review and set the budget, levy, and rate as though the district were covered by IC 6-1.1-18.5-7.

(e) This subsection applies to a city, town, or township if a unit that by ordinance or resolution withdraws from the district, or rescinds its election to have its public safety agencies served by the district, the local government tax control board shall reduce the maximum permissible ad valorem property tax levy of the district for property taxes first due and payable during the year after the adoption of the ordinance or resolution. The reduction shall be based on the amounts being levied by the district within that unit. If such an ordinance or resolution is adopted, The withdrawing unit shall refer its proposed budget, ad valorem property tax levy, and property tax rate for public safety communication services to the board, which shall review and set the budget, levy, and rate as though the withdrawing unit were covered by IC 6-1.1-18.5-7.

(f) The adjustments provided for in subsections (c), (d), and (e) do not apply to a district or unit located in a particular county if the county fiscal body of that county does not impose an ad valorem property tax levy under subsection (a) to fund the operation of the district."

Delete page 3.

Renumber all SECTIONS consecutively.

(Reference is to ESB 435 as printed March 23, 2007.)

LEONARD

Motion prevailed.

HOUSE MOTION
(Amendment 435-3)

Mr. Speaker: I move that Engrossed Senate Bill 435 be amended to read as follows:

Page 1, delete lines 12 through 17.

Delete page 2.

Page 3, delete lines 1 through 13, begin a new paragraph and insert:

"SECTION 2. IC 36-8-15-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 19. (a) ~~This subsection applies to a county not having a consolidated city.~~ For the purpose of raising money to fund the operation of the district, the county fiscal body may impose, for property taxes first due and payable during each year after the adoption of an ordinance establishing the district, an ad valorem property tax levy on property within the district. The property tax rate for ~~that~~ a levy for:

(1) a county that:

(A) has a consolidated city; or

(B) has a population of more than one hundred eighty-two thousand seven hundred ninety (182,790) but less than two hundred thousand (200,000);

may not exceed five cents (\$0.05) on each one hundred dollars (\$100) of assessed valuation; or

(2) a county not described in subdivision (1) may not exceed one cent (\$0.01) on each one hundred dollars (\$100) of assessed valuation.

A property tax rate imposed by a county under this subsection is subject to the county's levy limitations imposed under IC 6-1.1-18.5-3.

(b) ~~This subsection applies to a county having a consolidated city.~~ The county fiscal body may elect to fund the operation of the district from part of the certified distribution, if any, that the county is to receive during a particular calendar year under IC 6-3.5-1.1-11 or IC 6-3.5-6-17. To make such an election, the county fiscal body must adopt an ordinance before September 1 of the immediately preceding calendar year. The county fiscal body must specify in the ordinance the amount of the certified distribution that is to be used to fund the operation of the district. If the county fiscal body adopts such an ordinance, it shall immediately send a copy of the ordinance to the county auditor.

(c) Subject to subsections (d), (e), and (f), if an ordinance or resolution is adopted changing the territory covered by the district or the number of public agencies served by the district, the local government tax control board shall, for property taxes first due and payable during the year after the adoption of the ordinance, adjust the maximum permissible ad valorem property tax levy limits of the district and the units any cities, towns, or townships participating in the district.

(d) If a ~~unit~~ city, town, or township by ordinance or resolution joins the district, or elects to have its public safety agencies served by the district, the local government tax control board shall reduce the maximum permissible ad valorem property tax levy of the **joining** unit for property taxes first due and payable during the year after the adoption of the ordinance or resolution. The reduction shall be based on the amount budgeted by the **joining** unit for public safety communication services in the year in which the ordinance or resolution was adopted. If such an ordinance or resolution is adopted, the district shall refer its proposed budget, ad valorem property tax levy, and property tax rate for the following year to the board, which shall review and set the budget, levy, and rate as though the district were covered by IC 6-1.1-18.5-7.

(e) ~~This subsection applies to a city, town, or township if a unit that~~ by ordinance or resolution withdraws from the district, or rescinds its election to have its public safety agencies served by the district, the local government tax control board shall reduce the maximum permissible ad valorem property tax levy of the district for property taxes first due and payable during the year after the adoption of the ordinance or resolution. The reduction shall be based on the amounts being levied by the district within that unit. If such an ordinance or resolution is adopted, The **withdrawing** unit shall refer its proposed budget, ad valorem property tax levy, and property tax rate for public safety communication services to the board, which shall review

and set the budget, levy, and rate as though the **withdrawing** unit were covered by IC 6-1.1-18.5-7.

(f) The adjustments provided for in subsections (c), (d), and (e) do not apply to a district or unit located in a particular county if the county fiscal body of that county does not impose an ad valorem property tax levy under subsection (a) to fund the operation of the district."

Renumber all SECTIONS consecutively.

(Reference is to ESB 435 as printed March 23, 2007.)

CRAWFORD

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 419

Representative Bardon called down Engrossed Senate Bill 419 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 88

Representative Porter called down Engrossed Senate Bill 88 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Representatives Austin, Battles, Kersey, Klinker, Pond, Ruppel, and Thompson were excused from voting, pursuant to House Rule 46. Roll Call 400: yeas 89, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

ENGROSSED SENATE BILLS ON SECOND READING

Engrossed Senate Bill 534

Representative Kuzman called down Engrossed Senate Bill 534 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Dobis.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 103

Representative Stilwell called down Engrossed Senate Bill 103 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 401: yeas 83, nays 16. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 106

Representative Reske called down Engrossed Senate Bill 106 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 402: yeas 98, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 125

Representative Kuzman called down Engrossed Senate Bill 125 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 403: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representative Espich was excused for the rest of the day.

Engrossed Senate Bill 211

Representative Crawford called down Engrossed Senate Bill 211 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was reread a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Representative Davis was excused from voting, pursuant to House Rule 46. Roll Call 404: yeas 68, nays 26. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 229

Representative Kuzman called down Engrossed Senate Bill 229 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning commercial law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 405: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 267

Representative VanHaaften called down Engrossed Senate Bill 267 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 406: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 276

Representative Cheney called down Engrossed Senate Bill 276 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 407: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 342

Representative Reske called down Engrossed Senate Bill 342 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 408: yeas 91, nays 4. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 371

Representative Tyler called down Engrossed Senate Bill 371 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 409: yeas 79, nays 16. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 553

Representative V. Smith called down Engrossed Senate Bill 553 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 410: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 557

Representative Kuzman called down Engrossed Senate Bill 557 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 411: yeas 95, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

OTHER BUSINESS ON THE SPEAKER'S TABLE

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolutions 35 and 62 and the same are herewith transmitted to the House for further

action.

MARY C. MENDEL
Principal Secretary of the Senate

HOUSE MOTION

Mr. Speaker: I move that Representative Saunders be added as cosponsor of Engrossed Senate Bill 247.

L. LAWSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Pflum be removed as sponsor of Engrossed Senate Bill 467, Representative Grubb be substituted as sponsor.

PFLUM

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Pierce, the House adjourned at 3:10 p.m., this twenty-seventh day of March, 2007, until Thursday, March 29, 2007, at 1:00 p.m.

B. PATRICK BAUER
Speaker of the House of Representatives

CLINTON McKAY
Principal Clerk of the House of Representatives